

HOUSE BILL 97

J1

4lr1369

(PRE-FILED)

By: **Delegates Taveras and Pasteur**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Baby Food – Toxic Heavy Metals – Testing and Labeling**

3 FOR the purpose of requiring, beginning on a certain date, manufacturers of baby food to
4 conduct certain testing on baby food for toxic heavy metals before packaging
5 individual units of baby food for sale or distribution in the State; requiring, beginning
6 on a certain date, manufacturers of baby food to include certain information related
7 to toxic heavy metals on the manufacturer’s website and on the baby food product
8 label; and generally relating to baby food and toxic heavy metals.

9 BY adding to

10 Article – Health – General
11 Section 21–330.4
12 Annotated Code of Maryland
13 (2023 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 **21–330.4.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(2) “BABY FOOD” MEANS FOOD PACKAGED IN A JAR, POUCH, TUB, OR**
21 **BOX SOLD SPECIFICALLY FOR BABIES AND CHILDREN UNDER THE AGE OF 2 YEARS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “MANUFACTURER” INCLUDES A FOOD MANUFACTURER, FOOD**
2 **PROCESSOR, AND FOOD PACKER.**

3 **(4) “PROFICIENT LABORATORY” MEANS A LABORATORY ACCREDITED**
4 **UNDER THE STANDARDS OF THE INTERNATIONAL ORGANIZATION FOR**
5 **STANDARDIZATION.**

6 **(5) “QR CODE” MEANS A MACHINE-READABLE CODE, CONSISTING OF**
7 **AN ARRAY OF SQUARES, USED FOR STORING AN INTERNET WEBSITE IN ORDER TO**
8 **ACCESS A WEBPAGE.**

9 **(6) “TOXIC HEAVY METAL” MEANS ARSENIC, CADMIUM, LEAD, OR**
10 **MERCURY.**

11 **(B) (1) BEGINNING JANUARY 1, 2025, EACH MANUFACTURER OF BABY**
12 **FOOD SHALL TEST A SAMPLE OF THE MANUFACTURER’S FINAL BABY FOOD PRODUCT**
13 **FOR EACH TOXIC HEAVY METAL BEFORE PACKAGING INDIVIDUAL UNITS OF BABY**
14 **FOOD FOR SALE OR DISTRIBUTION IN THE STATE.**

15 **(2) THE TESTING REQUIRED UNDER PARAGRAPH (1) OF THIS**
16 **SUBSECTION SHALL BE CONDUCTED BY A PROFICIENT LABORATORY AT LEAST ONCE**
17 **PER MONTH.**

18 **(C) ON THE REQUEST OF THE DEPARTMENT, A MANUFACTURER OF BABY**
19 **FOOD SHALL PROVIDE THE RESULTS OF THE TESTING CONDUCTED UNDER**
20 **SUBSECTION (B) OF THIS SECTION TO AN AUTHORIZED AGENT OF THE**
21 **DEPARTMENT.**

22 **(D) BEGINNING JANUARY 1, 2026, EACH MANUFACTURER OF BABY FOOD**
23 **SHALL:**

24 **(1) MAKE PUBLICLY AVAILABLE ON THE MANUFACTURER’S WEBSITE:**

25 **(I) THE NAME AND LEVEL OF EACH TOXIC HEAVY METAL**
26 **PRESENT IN THE FINAL BABY FOOD PRODUCT AS DETERMINED BY THE TESTING**
27 **CONDUCTED UNDER SUBSECTION (B) OF THIS SECTION; AND**

28 **(II) A LINK TO THE U.S. FOOD AND DRUG ADMINISTRATION’S**
29 **WEBSITE THAT INCLUDES THE MOST RECENT U.S. FOOD AND DRUG**
30 **ADMINISTRATION GUIDANCE AND INFORMATION ABOUT THE HEALTH EFFECTS OF**
31 **THE TOXIC HEAVY METALS ON CHILDREN; AND**

32 **(2) INCLUDE ON THE BABY FOOD PRODUCT LABEL:**

1 **(I) THE TEST RESULTS FOR THE TOXIC HEAVY METALS; OR**

2 **(II) A QR CODE OR OTHER MACHINE-READABLE CODE THAT**
3 **LINKS TO A PAGE ON THE MANUFACTURER'S WEBSITE CONTAINING THE TEST**
4 **RESULTS FOR THE TOXIC HEAVY METALS.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.